

REMARKS

1. Preliminary Matters

a. Status of the Claims

Claims 1-12 are pending in this application. Claims 1-4 and 7-12 are withdrawn; and claim 5 is amended. Applicant respectfully requests entry of the amendments and remarks made herein into the file history of the application. Upon entry of the amendments, claims 1-12 will be pending, and claims 5 and 6 will be under active consideration.

b. Amendments to the Claims

Claim 5 is amended to be directed to the elected chemically defined PTEN inhibitor SF1740 and the elected disease species "heart disease." Support for amended claim 5 can be found in the application as originally filed at paragraphs 0072, 0112, 0013, and Example 40.

2. Election/Restrictions

On pages 2-5 of the Office Action, the Examiner requires restriction of the claims under 37 C.F.R. § 1.499 to one of the following groups:

- I. Claims 1-4, 9, 10, and 12, drawn to a method of protecting a patient from one or more treatments that trigger apoptosis.
- II. Claims 5 and 6, drawn to a method of treating a patient suffering from damage to normal tissue attributable to stress.
- III. Claims 7 and 11, drawn to a method of sensitizing cancer cells to an inhibitor of the PI3 kinase family.
- IV. Claim 8, drawn to a method of treating apoptosis associated with a medical procedure.

Applicant without traverse elects Group II.

On pages 3 and 4 of the Office Action, the Examiner under 37 C.F.R. § 1.499 further requires Applicant to elect (1) a single disclosed specific chemically defined PTEN inhibitor; and (2) a single disclosed disease species. Applicant without traverse elects compound SF1740 as described above, and heart disease. Applicant's elected Group and species are related to claims 5 and 6.

3. Conclusion

Applicant respectfully submits that the instant application is in good and proper order for allowance and early notification to this effect is solicited. If, in the opinion of the Examiner, a telephone conference would expedite prosecution of the instant application, the Examiner is encouraged to call the undersigned at the number listed below.

Respectfully submitted,

POLSINELLI SHALTON FLANIGAN SUELTHAUS PC

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